

official and even a *member of the Board itself*, went so far as to suggest measures by which the ends of the law could be defeated; and this in spite of the overwhelming evidence in the hands of the Board, and the confession of the defendant! Does that meet with your approval? A member of the Board—a man appointed to carry out the law—one sworn to obey the law and safeguard the interests of the people of California, actually suggesting how the law might be infringed! Would it not be a nice state of affairs if all the members were of the same stripe? There is another thing. Some doctors are aiding illegal practitioners to evade the law by harboring them in their offices, or using them as cappers, and in case of arrest go into court and swear that the defendant is merely a student or office assistant. The courts of many states have decided that the only professional position open to an illegal practitioner is that of hospital interne. Does this sort of thing meet with your approval? It certainly has not found favor with juries in San Francisco.

Elsewhere in this issue the subject of State Society Journals is discussed at some length. If one may judge of the general feeling throughout the state by the expressions that various members of some fifteen county societies have made to the editor, California physicians decidedly approve of the journal plan. The question will soon confront the newly amalgamated New York Society. At last the obstructionists in that State, in both the Society and the Association, have given way, and union will be an accomplished fact very soon—as soon as the county organizations can act, and many of them have already ratified the agreement. Shall the Society then carry on the Association's journal? The *Buffalo Medical Journal* discusses the question, in a recent issue, and urges that the journal (of the Association) be discontinued and the old series of annual transactions (of the Society) kept up. The Society has published its Transactions for nearly a hundred years and this seems to be the principal argument for continuing to do so, and ceasing to publish the journal. It is also claimed that copies of a journal become lost or destroyed and then members have not a complete record. The further question of greater expense is about the only other argument adduced to support the plea for discontinuing the journal, when the Society shall have absorbed the Association. How puerile these arguments seem, when compared with the reasons for a State Society publishing a journal! It is reasonably safe to say that the New York Association could not have attained nearly the size, and the influence which it has secured, without its journal. It is also safe and conservative to prophesy that the profession in that State will

not be well or fully organized if the journal is discontinued. Twelve messages a year to each member are worth a whole lot more than one; more than twelve times as much as one delayed volume of "Transactions" which nobody thinks of reading. They may look well on the library shelves—but so does a file of bound journals. There does not seem to be any good reason why the volumes of journals cannot be bound and added to the "nearly one hundred volumes of Transactions." Certainly, in the State Society journal one does not find a *paid reading* notice following a grave editorial in the editorial pages, as is the case in the very journal making the argument against State Journals, the *Buffalo Medical Journal*.

One of the important matters to come before the State Society at the Paso Robles meeting will be an invitation to the American Medical Association to hold its sessions in California next year. Oregon and Washington are also making overtures in the same direction, and the *Journal of the A. M. A.* has editorially referred to Oregon's proposed invitation, stating but little probability exists that the meeting will be held on the Coast for some years to come. The objections given do not appeal to the JOURNAL as reasonable. One is that the distance is too great and the time necessary to make the trip cannot be spared by the busy Eastern doctors. By careful computation it may be demonstrated that the distance from the Missouri to the Pacific Coast is practically the same as from the Pacific Coast to the Missouri; and while it is true that more members of the Association live to the eastward than out this way, it cannot be proved that their time is of greater value than is that of the Westerners. If a Chicago man, for instance, cannot spare the time to attend the meetings of the A. M. A., he would be as unlikely to visit the Atlantic Coast as the Pacific. A cordial and hearty invitation to the Association to come out to the land of sunshine and flowers would be accepted by hundreds who know the delights of a sojourn here through experience, and by other hundreds who would be glad of an opportunity to come.

A most aggravating case of malpractice suit without reasonable foundation in fact, based upon ridiculous claims and supported by testimony and "expert evidence" of all sorts—though mostly bad—has pestered a member of the Society for more than five years. At the first trial, the jury stood eight for defendant and four for plaintiff. At the second trial the defendant won. But appeal was taken and the Supreme Court has

very recently, though after two years consideration, reversed the verdict and ordered a new trial, all because text-books etc., were introduced in the trial, and these, the court holds, are hearsay evidence and should not be admitted. So the weary work is to be gone over again. The trouble and anxiety, to say nothing of the thousands of dollars already spent, count for nothing; the courts will allow the imposition to continue and require the spending of more thousands of dollars. Here is food for thought. We are becoming a strong organization and certainly possess a large potential strength. Can it not be exerted? Should there not be some much-needed legislation, when conditions are such as to permit this sort of thing to continue? The medical profession is regarded as legitimate prey by certain elements in the community, and if the doctor has any property, if he is worth suing, the slightest imaginary pretext—or no pretext at all—is taken on which to base what is called a “mal-practice suit,” but what is really a hold-up. The vast majority of such suits are filed with the idea that the victim will compromise; often he does. But Dr. Kreutzmann is not of that stuff; he has fought the suit, and will fight it to a finish. The JOURNAL would suggest to the Committee on Legislation that here is material ready to its hand.

Careful examination of the suit against Dr. Kreutzmann and the facts recorded in its connection, fails to reveal the slightest ground for the plaintiff's contention.

UNJUST ATTACK. The patient was examined and diagnosis of ovarian cyst made. Six months later she was again examined, the tumor existed, and operation was decided upon. The abdomen open, it was found that the uterus was enlarged and presented a fecund appearance. Pregnancy could not be positively excluded, so the abdomen was closed and nothing further was done. Six months later, one of the witnesses testified, the tumor was reduced in size and the patient very much improved. At the trial she was the picture of health and had recovered from that for which she sought relief in the first instance. Yet in spite of these facts, the suit went forward and reputable physicians permitted themselves to appear and testify against the defendant. It is alleged that personal feeling, or, rather, ill-feeling actuated some of the witnesses for the plaintiff. Of this we have no knowledge, but if it is the case, it seems to the JOURNAL that the Society should step in and protect its members from such unjust attacks. The final consideration always should be the net result to the patient; if the patient is improved by what the physician has done or has not done, he is certainly justified in his judgment. The whole life experience of the doctor is made up of exercise of judgment, and if

his acts are in the main right, or if the results of his acts are to the benefit of the patient, he should be protected by his fellow-practitioners. He who attempts to injure a brother practitioner, unjustly attacked, often injures himself more than the defendant. We, as a Society, certainly should stand for harmony, coöperation and protection of ourselves and of each other.

“The registration of all dairies” is the first in the list of desiderata suggested by the Department of Agriculture in its pamphlet on the “Milk Supply of 200 Cities.” The second suggestion is that there should be “Official indorsement of properly conducted dairies.” It is to be noted that there is no suggestion of attacking the bad dairies; the fact seems to be recognized that better results may be brought about by commending the good thing than by striking at the bad thing. All the suggestions are most excellent, as applied to milk; they are equally excellent as applied to drugs and medicines, which are notoriously in a demoralized condition. As things stand now, anyone except a doctor and a druggist may on the one hand prescribe, and on the other sell and prescribe, drugs and medicines, with safety from legal interference. Any old rascal, charlatan or ignoramus may make up what he pleases, call it what he will, and delude whom he may into thinking it what it probably is not—something good, useful or to be prescribed. He may (and does) make “official” preparations from worthless material, as the reports of state and national committees on adulteration have been showing for years. He may do this with perfect safety, for he is under no legal restraint nor control, nor is he responsible to anyone for those he kills or allows to die under the administration of his worthless stuff. Why not go beyond the milk stage and apply a little of the principle of “registration” and “official indorsement” to those things that are at least as important in the conservation of human life as is milk? Why not say that the worthless 90 per cent of crude drugs imported into this country to be made up into medicines for “home consumption” shall find some other consumers? Some day we shall wake up.

ANOTHER OPINION ON ADVERTISING.

This JOURNAL, in its February number, quoted the editor of the *St. Louis Medical and Surgical Journal* as saying, anent the advertisements of “proprietary medicines”: “We have many, and hope to get more.”

There must be some definite relation which an editor bears to his subscribers, and a definite way in which he thinks of them. This is necessary, for he has, in some way, to please them to keep their